

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

<b>PHILLIP DAVID OLMSTEAD,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>CASE NO.</b>
	)	<b>2:16-cv-00046</b>
<b>v.</b>	)	
	)	<b>JUDGE WAVERLY D. CRENSHAW, JR.</b>
<b>FENTRESS COUNTY, TN, et al.,</b>	)	
	)	<b>MAGISTRATE JUDGE NEWBURN</b>
<b>Defendants.</b>	)	

**MOTION TO ASCERTAIN STATUS OF PENDING  
MOTION FOR HIPAA PROTECTIVE ORDER**

Comes now Defendant Southern Health Partners, Inc., and pursuant to Local Rule 7.01(c), and inquires of the Court as to the status of Defendant's Motion for HIPAA Protective Order, and in support thereof, shows as follows:

1. On May 30, 2018, Defendants filed a Motion for HIPAA Protective Order. In its motion, Defendant requested that the Court enter a Qualified Protective Order which complies with HIPAA Privacy Rules, 45 C.F.R. § 164.512(3), allowing counsel for the parties to obtain the records of Plaintiff's health care providers who provided medical treatment to Plaintiff after the incident made the basis of this lawsuit, and to confer *ex parte* with same (Doc. 191).

2. On June 26, 2018, Magistrate Judge Alistair Newbern held a telephone scheduling conference with counsel for the parties, and subsequently entered a Scheduling Order, establishing discovery and disclosure deadlines for the remainder of this litigation (Doc. 195).

3. According to the Court's Scheduling Order, Plaintiff must disclose any expert witnesses and reports by September 14, 2018, and Defendants must disclose any expert witnesses and reports by October 5, 2018. Expert depositions must be concluded by October 26, 2018.

4. There has been no ruling on Defendants' Motion for HIPAA Protective Order.

5. As stated in Defendant's motion, Plaintiff was provided medical treatment by Dr. R. Keith Shuler, M.D., a retinal specialist. The treatment provided to Plaintiff by Dr. Shuler is central to the issues in this lawsuit. Defendant needs to obtain the records of Dr. Shuler, and to communicate with Dr. Shuler in order to properly defend itself from the allegations made against it by Plaintiff.

6. The information sought from Dr. Schuler is also critical to Defendant's ability to make informed decisions about potential expert testimony in this case, to consult with the appropriate experts, and to obtain the opinions and testimony of such experts. Because the deadlines for disclosing these matters are quickly approaching, Defendant respectfully requests to ascertain the status of its Motion for HIPAA Protective Order, and also requests expedited disposition thereof.

Respectfully submitted,

*/s/ Daniel F. Beasley*  
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*Counsel for Anthony Martin and*  
*Southern Health Partners, Inc*

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 25th day of July, 2018, a true and correct copy of the foregoing was sent via electronic filing to:

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